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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/697,363

10/30/2003

Wayne H. Hanson

1-24778

7882

4859 7590 10/30/2008  
MACMILLAN SOBANSKI & TODD, LLC  
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EXAMINER

EDELL, JOSEPH F

ART UNIT

PAPER NUMBER

3636

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DELIVERY MODE

10/30/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/697,363	<b>Applicant(s)</b> HANSON ET AL.	
	<b>Examiner</b> JOSEPH F. EDELL	<b>Art Unit</b> 3636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 August 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 3,4,6,14,15,20-25 and 27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3,4,6,14,15,20-25,27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

In view of the appeal brief filed on 13 August 2008, PROSECUTION IS HEREBY REOPENED. New grounds of rejections are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/DAVID DUNN/

Supervisory Patent Examiner, Art Unit 3636.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3, 4, 6, 14, 15, 20-25, 27 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 20, the phrase “that is positioned to be at the anatomical hip pivot point of the user of the seating system” is unclear rendering the scope of the claim indefinite.

Regarding claim 20, the phrase “the leg support pivot point being positioned to be at the anatomical knee pivot point of the user of the seating system” is unclear rendering the scope of the claim indefinite.

Regarding claim 22, the phrase “that is positioned to be at the anatomical hip pivot point of the user of the seating system” is unclear rendering the scope of the claim indefinite.

Regarding claim 22, the phrase “the leg support pivot point being positioned to be at the anatomical knee pivot point of the user of the seating system” is unclear rendering the scope of the claim indefinite.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 3, 14, 20, and 27, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 1,361,446 to Conner et al. in view of U.S. Patent No. 6,086,086 to Hanson et al.

Conner et al. disclose a seating system that is basically the same as that recited in claims 3, 14, 20, and 27, as best understood, except that the base lacks a tilt-in-space block and the system lacks a seating shell base with a pivot post and capable of movement on wheels, as recited in the claims. See Figures 1-9 of Conner et al. for the teaching that the seating system has a base 4, a seat tray (member supporting seat parts 45,46) positioned in a seating shell base, a sliding mechanism 21 configured to mount the seat tray for forward and rearward sliding movement in a single plan with respect to the base in an inherently low friction manner, a seat back 22 pivotally mounted relative to the seat tray at a seat back pivot point, a leg support 55,56 pivotally mounted with respect to the seat tray and depending from the seat tray wherein the sliding mechanism is configured with sufficiently low friction to enable the user to experience extension tone with little resulting resistance to the forward movement of the seat tray and little resulting resistance to pivoting of the leg support, the seating system is configured for forward movement of the seat tray and pivoting of the leg support caused by tone extension of the user without requiring manual operation, the seat back is connected to a back support member, and downward movement of the back support member in a substantially vertical direction causes the seat back to pivot at the seat tray thereby reclining the seat back and causing the seat tray to slide forward with respect to the base.

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Hanson et al. show a seating system similar to that of Conner et al. wherein the seating system has a seat cushion (see column 3, lines 12-13) positioned in a seating shell base 82 (see Fig. 10) that is provided with a pivot post 62 and a guide pin 63, a back rest shell 90 (see Fig. 1) slidably engaging an inner shell 98, a base 12 (Fig. 2) with a tilt-in-space block 34 including a guide slot 58 configured to receive the guide pin such that the guide slot is T-shaped with a straight upper portion and an arcing lower portion, and a pivot post cradle at an uppermost portion of the guide slot. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the seating system of Conner et al. such that the seat tray is positioned in a seating shell base that is provided with a pivot post and a guide pin, the back rest has an inner sliding shell, and the base includes a tilt-in-space block with a guide slot configured to receive the guide pin wherein the guide slot is T-shaped with a straight upper portion and an arcing lower portion, and a pivot post cradle located at an uppermost portion of the guide slot, such as the seating system disclosed by Hanson et al. One would have been motivated to make such a modification in view of the suggestion in Hanson et al. that the seating shell base and tilt-in-space block in the base configuration allows the seat tray to be tiltable relative to the base, and the sliding back rest inner shell provides height adjustment.

Claims 4, 6, and 21-24, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Conner et al. in view of Hanson as applied to claims 3, 14, 20, and 27, as best understood above, and further in view of U.S. Patent No. 6,488,332 B1 to Markwald.

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Conner et al., as modified, disclose a seating system that is basically the same as that recited in claims 4, 6, and 21-24, as best understood, except that the system lacks a biasing element, as recited in the claims. Markwald shows a seating system similar to that of Conner et al. wherein the seating system has a seat tray 7, and a biasing element 14 connected relative to the base and the seat tray and configured to store energy and have a damping effect upon application of force by a user to move the seat tray forward and a configured to release energy when the user relaxes to automatically move the seat tray rearward. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the seating system of Conner et al. to include a biasing element connected relative to the base and the seat tray wherein the biasing element stores energy and has a damping effect upon application of force by a user to move the seat tray forward and releases energy when a user relaxes to automatically move the seat tray rearward, such as the seating system disclosed by Markwald. One would have been motivated to make such a modification in view of the suggestion in Markwald that the biasing compels the seat tray back to its original position.

Claims 15 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Conner et al. in view Hanson et al. as applied to claims 3, 14, 20, and 27, as best understood above, and over Conner et al., as modified, in view of Markwald as applied to claims 4, 6, and 21-24, as best understood above, and further in view of U.S. Patent No. 327,775 to Dodge.

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Conner et al. disclose a seating system that is basically the same as that recited in claims 15 and 25, as best understood, except that the seat back lacks a back support member moving downward and a locking mechanism, as recited in the claims. Dodge shows a seating system similar to that of Conner et al. wherein the seating system has a base *E* (see Fig. 1), a seat back *A* connected to a back support member *H* such that downward movement of the back support member in a substantially vertical direction causes the seat back to pivot at the seat tray to recline the seat back, and a locking mechanism *a* supported with respect to the base. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the seating system of Conner et al. such that the seat back has a locking mechanism supported with respect to the base, such as the seating system disclosed by Dodge. One would have been motivated to make such a modification in view of the suggestion in Dodge that the seat back configuration provides a slideably adjustable seat back that is removably coupled to the base.

### ***Response to Arguments***

Applicant's arguments with respect to claims 3, 4, 6, 14, 15, 20-25, and 27 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***



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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph F. Edell whose telephone number is (571) 272-6858. The examiner can normally be reached on Mon.-Fri. 8:30am-5:00pm.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Joseph F Edell/  
Primary Examiner, Art Unit 3636  
November 3, 2008